



General Assembly

February Session, 2016

***Raised Bill No. 5289***

LCO No. 493



Referred to Committee on AGING

Introduced by:  
(AGE)

***AN ACT CONCERNING PROTECTIVE SERVICES FOR VULNERABLE PERSONS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2016*) (a) For purposes of this  
2 section:

3 (1) "Administration for Community Living" or "ACL" means the  
4 organization created by the United States Department of Health and  
5 Human Services to facilitate the independence, well-being and health  
6 of adults sixty years of age and older, persons with disabilities of all  
7 ages and their families and caregivers.

8 (2) "National Adult Maltreatment Reporting System" means the  
9 national data reporting and collection system designed to provide  
10 consistent, accurate national data on the exploitation and abuse of  
11 adults sixty years of age and older and adults with disabilities, as  
12 reported to state adult protective services departments nationwide.

13 (3) "Voluntary Consensus Guidelines for State Adult Protective  
14 Services" means national guidelines developed by the ACL that state

15 adult protective services departments may adopt to respond to reports  
16 of abuse, neglect, exploitation or abandonment.

17 (b) The Commissioner of Social Services shall develop a strategic  
18 plan to (1) incorporate the ACL's Voluntary Consensus Guidelines for  
19 State Adult Protective Services into protective services for adults sixty  
20 years of age and older offered in the state, and (2) align state data  
21 collection with the National Adult Maltreatment Reporting System.  
22 Not later than July 1, 2017, the Commissioner of Social Services shall  
23 submit the plan, that shall include, but need not be limited to,  
24 recommendations for changes in state law, to the joint standing  
25 committees of the General Assembly having cognizance of matters  
26 relating to aging and human services.

27 Sec. 2. Section 17b-451 of the 2016 supplement to the general statutes  
28 is amended by adding subsection (g) as follows (*Effective July 1, 2016*):

29 (NEW) (g) The Commissioner of Social Services shall develop an  
30 educational training program to promote and encourage the accurate  
31 and prompt identification and reporting of abuse, neglect, exploitation  
32 and abandonment of elderly persons. Such training program shall be  
33 made available on the Internet web site of the Department of Social  
34 Services to mandated reporters and other interested persons. The  
35 commissioner shall also make such training available in person or  
36 otherwise at various times and locations throughout the state as  
37 determined by the commissioner.

38 Sec. 3. Subsection (a) of section 17b-452 of the 2016 supplement to  
39 the general statutes is repealed and the following is substituted in lieu  
40 thereof (*Effective July 1, 2016*):

41 (a) The commissioner, upon receiving a report that an elderly  
42 person allegedly is being, or has been, abused, neglected, exploited or  
43 abandoned, or is in need of protective services, shall investigate the  
44 report to determine the condition of the elderly person and what  
45 action and services, if any, are required. The investigation shall include

46 (1) an in-person visit to the named elderly person, (2) consultation with  
 47 those individuals having knowledge of the facts of the particular case,  
 48 and (3) an interview with the elderly person alone unless (A) the  
 49 elderly person refuses to consent to such interview, or (B) the  
 50 commissioner determines that such interview is not in the best  
 51 interests of the elderly person. If the commissioner determines that a  
 52 caregiver is interfering with the commissioner's ability to conduct an  
 53 interview alone with the elderly person, the commissioner may bring  
 54 an action in the Superior Court or Probate Court seeking an order  
 55 enjoining such caregiver from interfering with the commissioner's  
 56 ability to conduct an interview alone with the elderly person. In  
 57 investigating a report under this subsection, the commissioner may  
 58 subpoena witnesses, take testimony under oath and compel the  
 59 production of any necessary and relevant documents necessary to  
 60 investigate the allegations of abuse, neglect, exploitation or  
 61 abandonment. The commissioner may request the Attorney General to  
 62 petition the Superior Court for such order as may be appropriate to  
 63 enforce the provisions of this section. Upon completion of the  
 64 investigation, the commissioner shall prepare written findings that  
 65 shall include recommended action and a determination of whether  
 66 protective services are needed. Not later than thirty days after  
 67 completion of the investigation, the commissioner shall disclose, in  
 68 general terms, the result of the investigation to the person or persons  
 69 who reported the suspected abuse, neglect, exploitation or  
 70 abandonment, provided: (i) The information is not otherwise  
 71 privileged or confidential under state or federal law, (ii) the names of  
 72 witnesses or other persons interviewed are kept confidential, and (iii)  
 73 the names of the person or persons suspected to be responsible for the  
 74 abuse, neglect, exploitation or abandonment are not disclosed unless  
 75 such person or persons have been arrested as a result of the  
 76 investigation.

77 Sec. 4. Subsection (g) of section 17a-412 of the 2016 supplement to  
 78 the general statutes is repealed and the following is substituted in lieu  
 79 thereof (*Effective July 1, 2016*):

80 (g) The person filing a report or complaint pursuant to the  
 81 provisions of this section shall be notified, in general terms, of the  
 82 findings of any investigation conducted by the Commissioner of Social  
 83 Services [, upon request] not later than thirty days after the  
 84 investigation is completed, provided: (1) The information is not  
 85 otherwise privileged or confidential under state law, (2) the names of  
 86 witnesses or other persons interviewed are kept confidential, and (3)  
 87 the names of the person or persons suspected to be responsible for the  
 88 abuse, neglect, exploitation or abandonment are not disclosed unless  
 89 such person or persons have been arrested as a result of the  
 90 investigation.

91 Sec. 5. (*Effective July 1, 2016*) The Commission on Aging shall  
 92 complete a comprehensive evaluation of the state's protective services  
 93 system for elderly persons and make recommendations concerning  
 94 whether the state should adopt a protective services system serving  
 95 persons eighteen years of age and older. The evaluation shall include:  
 96 (1) An overview of the current protective services structure in the state;  
 97 (2) identification of any gaps within the current system; (3) if  
 98 recommended, a description of the need for a protective services  
 99 system for persons eighteen years of age and older; (4) a description of  
 100 protective services models in other states; and (5) overall capacity of  
 101 the current system to meet present and future needs. The legislative  
 102 Commission on Aging shall report its findings to the joint standing  
 103 committees of the General Assembly having cognizance of matters  
 104 relating to aging and human services not later than October 1, 2017.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2016</i>	New section
Sec. 2	<i>July 1, 2016</i>	17b-451
Sec. 3	<i>July 1, 2016</i>	17b-452(a)
Sec. 4	<i>July 1, 2016</i>	17a-412(g)
Sec. 5	<i>July 1, 2016</i>	New section

***AGE***      *Joint Favorable*